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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,952

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Hideo Kato

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SUITE 110
ORANGEBURG, NY 10962-2100

EXAMINER

PEACHES, RANDY

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/764,952	Applicant(s) KATO, HIDEO	
	Examiner RANDY PEACHES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/2008 has been entered.

Double Patenting

Claims 16-22 of this application conflict with ***claims 1-9*** of Application No. 11/292,914. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim 16-22 are provisionally rejected on the ground of nonstatutory double patenting over ***claims 1-9*** of copending Application No. 11/292,914. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Both applications are directed toward a slide mechanism whereby a first member and a second member formed separately from each other to slide in one direction to form a closed state in which the first member and the second member overlap one another, and to form an opened state in which a top face of one of said first and second members is exposed

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (U.S. Patent Number 5,657,370) in view of Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) in further view of Boesen (U.S. Patent Number 6,542,721 B2).

Regarding **claim 16**, Tsugane et al. discloses a slide mechanism, see FIGURE 3A-D, to connect the 1st housing (1), which reads on claimed "first member," and a 2nd housing (2), which reads on claimed "second member," a formed separately from each other to be slidable in one direction to form a closed state in which the said 1st housing (1) and the said 2nd housing overlap one another, and to form an opened state in which the top face of either member is exposed, said slide mechanism comprising:

- a slider (8), which reads on claimed "a pair of a hinge device," provided with a guide grooves (7) attached on both sides, which reads on claimed "guide member," to be exposed and moveably forwardly and backwardly by being biased slidably in one direction. See column 4 lines 18-37 and FIGURE 3B;
- a guide groove (7) provided on both sides of the other one of the first and second member, to the said guide grooves (7) of the said slider (8) in an engaged state. See FIGURE 3B;
- a recessed portion (9) provided on each said groove to receive and lock each guide groove of the said slider (8) at a selected position. See column 4 lines 38-47; and

However, Tsugane et al. fails to clearly disclose wherein each hinge device is composed of a hinge case provided with a turn stopper and inserted in setting holes of both sides of said one of the first and second members, a ball bearing slidably and rotatably mounted to one side of said hinge case in an engaging condition with said

guide grooves, a receiver being slidably inserted in said hinge case for receiving said ball bearing, and resilient means interposed between said hinge case and said receiver.

Johnson et al. teaches in paragraphs [0029 and 0032] wherein two distinct pair of hinges (35) are used for sliding a member of the device. See FIGURE 5.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Tsugane et al. to include Johnson et al. in order to have a device capable of being slidable and rotatable around a pair of hinged devices.

However, the combination of Tsugane and Johnson fails to clearly state wherein a resilient mean provided in said hinge case adapted to urge the ball bearing into the engaging condition with said guide groove.

Boesen teaches in FIGURE 12 where 4 ball bearings (104) are represented, in addition to a groove guide capable of guiding the bearing when the device is folded

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teaching of Tsugane et al. and Johnson et al. to included Boesen in order to have a device capable of being slidable and rotatable around a pair of hinged devices.

2. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsugane et al. (U.S. Patent Number 5,657,370) , Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) , Boesen (U.S. Patent Number 6,542,721 B2) in further view of Hansen et al. (U.S. Patent Number 6,370,362 B1).

Regarding **claim 17**, as the combination of Tsugane et al., Johnson et al. and Boesen are made, the combination according to **claim 16**, fails to clearly disclose wherein the said guide groove is disposed in a bent state so that the second member forms an obtuse angle with the first member when the first member and the second member are in an opened state.

Hansen et al. discloses in column 1 lines 30-40 wherein the sliding rails, which reads on claimed "guide groove," is slightly curved, which reads on claimed "bent," substantially the entire length of the said rails.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Tsugane et al. ,Johnson et al., Boesen in view of Hansen et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

3. **Claims 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsugane et al. (U.S. Patent Number 5,657,370) , Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) , Boesen (U.S. Patent Number 6,542,721 B2) in further view of Masuda et al. (U.S. Patent Number 5,335,274).

Regarding **claim 18**, as the combination of Tsugane et al., Johnson et al. and Boesen are made, the combination according to **claim 16**, fails to clearly disclose wherein said first and second members by lifting a sliding tip end of the receiver slightly during sliding of said receiver when said transmitter and said receiver are in an opened state.

Masuda et al. discloses column 5 lines 34-50 and FIGURE 5B wherein first and second members by lifting a sliding tip end of the receiver slightly during sliding of said receiver when said transmitter and said receiver are in an opened state.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Tsugane et al. ,Johnson et al., Boesen in view of Masuda et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

Allowable Subject Matter

4. ***Claim 19*** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. ***Claims 20-22*** are allowed.

Response to Arguments

Applicant's arguments with respect to claims 16- 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

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